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OFFICE OF PETITIONS

In re Application of :
Suzuki et al. :
Application No. 09/162,849 :
Filed: September 29, 1998 :
Attorney Docket No. FUJA 15.447 (100794-11007) :

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed July 3, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) have been obtained. Accordingly, the application became abandoned on October 4, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$930 extension of time submitted with the petition on January 27, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being forwarded to Technology Center AU 2126 for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Petitions Examiner
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for Patent Examination Policy